

**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**Docket Number:
A126.164.102

In re Application of: Clyde M. Guest et al.
 Application No.: 09/848,479
 Filed: May 3, 2001
 For: SYSTEM AND METHOD FOR SELECTION OF A REFERENCE DUE

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The owner, Semiconductor Technologies & Instruments, Inc., a wholly owned subsidiary of August Technology Corp. and of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,252,981. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

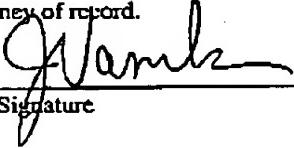
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.



Signature

Date

John Vasuta
 Vice President, General Counsel and Secretary
 For: AUGUST TECHNOLOGY, INC.
 4900 West 78th Street
 Bloomington, MN 55435
 United States of America

- Terminal disclaimer fee under 37 CFR § 1.20(d) included.

*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
 Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Clyde M. Guest et al. Examiner: Brian P. Werner
Serial No.: 09/848,479 Group Art Unit: 2621
Filed: May 3, 2001 Docket No.: A126.164.102
Title: SYSTEM AND METHOD FOR SELECTION OF A REFERENCE DIE

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The owner, Semiconductor Technologies & Instruments, Inc., a wholly owned subsidiary of August Technology Corp., a Minnesota corporation is the owner of the entire right, title and interest in the patent application identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded on May 3, 2001 in the Patent and Trademark Office at Reel 011776, Frames 0947 – 0952, or a copy of which is attached.

OR

B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy of which is attached.

2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy of which is attached.

3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy of which is attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and certifies, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Certificate under 37 C.F.R. §3.73(b)

Applicant: Clyde M. Guest et al.

Serial No.: 09/848,479

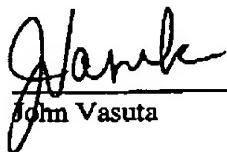
Filed: May 3, 2001

Docket No.: A126.164.102 (Previously: B63814C-013377-0084)

Title: SYSTEM AND METHOD FOR SELECTION OF A REFERENCE DIE

I hereby declare that all certified statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature:


John Vasuta

Date:

July 29, 2004

Title:

Vice President, General Counsel and Secretary